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To: Microsoft ATR
Date: 11/17/01 12:16am
Subject: Microsoft Settlement

I'd like to voice my displeasure with the Microsoft (MS) settlement. Given the fact that the Department of Justice (DoJ) essentially won the case, and rightfully so, it's sad to see that the end result is a toothless agreement that will have little impact on MS's actions.

The agreement fails on three counts: It imposes no penalty for MS's prior actions, it sets rules of conduct that have loopholes, and it sets up a system of oversight and enforcement that is closed to scrutiny and very favorable to MS.

Judge Jackson and every Judge on the Appeals Court all agreed that MS violated the antitrust laws on several counts. Yet, with this settlement, MS is getting the proverbial "slap on the wrist," not even facing a steep fine for their misdeeds. It seems to me akin to a convicted bank robber walking away scot-free with loot in hand, because he promised to mend his ways.

This agreement was apparently sought in part to provide quick relief, but anyone who has studied Microsoft's history will tell you that the corporation has always pressed the envelope of legality. Even as this case was ongoing, MS hastily released Windows 98 with IE integrated in order to preempt justice, and later released Windows XP, which takes the anticompetitive bundling of applications even further than the earlier products that got them into court in the first place. If MS has the incredible audacity to undertake such actions while being sued, who would believe they would willingly submit to the spirit of this agreement? I would think any settlement or judgement would depend upon the remorsefulness of the defendant, and there is absolutely none in evidence in this case. It seems quite naive to think that MS has changed its ways; if history is any guide, we will see MS dragged into a new antitrust suit in a few years, something that could have been avoided if proper remedies had been instituted now.

In conclusion, I'm shocked that the DoJ went from a position of victory, and pressing for punishment and an effective remedy, to one of timid, ineffective compromise. I as a consumer can see that MS wields incredible power in the computer industry thanks to their monopoly on the base operating system upon which other software is layered, and it's plain that Microsoft intends to leverage that power as much as possible to everyone else's detriment. Rumors abound of ugly politics setting the Department's agenda, but whatever the case, I still hope that justice can be served.

Sincerely,
Reid Rivenburgh

P.S. For a more detailed account of the problems with the settlement, see Ralph Nader's letter to Judge Kollar-Kotelly, available at <URL:<http://www.cptech.org/at/ms/rnj12kollarkotellynov501.html>>.